IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5087 of 2007()

CRIME NO.1099/2006 OF ALUVA POLICE STATION

.....

PETITIONER/4TH ACCUSED:

VIJUKUMAR, AGED 32 YEARS,
S/O.BALAKRISHNAN, KUTTIYAR HOUSE,
NEAR MOSQUE, KODIKUTHUMALA, ALUVA EAST VILLAGE.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
CIRCLE INSPECTOR OF POLICE, ALUVA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5087 of 2007

Dated this the 21st day of August 2007

O R D E R

Application for regular bail. The petitioner is the fourth accused. He faces allegations inter alia under Section 395 I.P.C. The crux of the allegations is that in furtherance of prior concert, accused 1 to 3 came in a motor cycle at the scene of the occurrence. One of them stopped the two wheeler in which the de facto complainant was proceeding carrying substantial amount of cash and gold ornaments. Having robbed him of those valuables, accused 1 to 3 escaped from the scene of the crime. The petitioner, along with accused 5 and 6 had also come to the scene of the crime to see its implementation. Recovery has also been effected on the basis of the statement given by the petitioner herein. The petitioner continues in custody from 10/7/2007.

2. The learned counsel for the petitioner submits that the petitioner is innocent. The petitioner who has remained in custody from 10/7/2007 may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. I find merit in the opposition by the learned Public Prosecutor. Bail application of the co-accused have also been dismissed by me earlier today. I am satisfied that the petitioner herein does not also deserve to be enlarged on bail at this stage of investigation.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 04/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007